

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John C. Mears et al.

Serial No. 09/400,320

Filed: September 21, 1999

For: A CONTACT CENTER SYSTEM
CAPABLE OF HANDLING MULTIPLE
MEDIA TYPES AND METHOD FOR
USING THE SAME

Group Art Unit: 2642

Examiner: TIEU, Benny Quoc

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DECLARATION OF JOHN C. MEARS

Commissioner for Patents
Washington, D.C. 20231

Sir:

John C. Mears, President and CEO of Microlog Corporation, 20270 Goldenrod Lane,
Germantown, MD, 20846, states as follows:

1. The inventors of the above identified application for U.S. Patent, John C. Mears, Gary E. Korzeniowski, William R. Lewis, Jr., and Ly K. Peang-Meth worked jointly to develop the above identified application, which was filed with the U.S. Patent and Trademark Office on September 21, 1999.
2. It is Microlog Corp.'s written policy that all patents, inventions, trade secrets and copyrights are the property of the corporation as stated in Microlog Corp.'s employment agreement that each employee signs upon hiring. See Exhibit A, section IV.

3. As further evidence that the patent application is the property of the corporation, an assignment, signed and dated by all the inventors, was submitted for recordation with the U.S. Patent & Trademark Office on January 16, 2001. A copy of that assignment is attached as Exhibit B.

4. During subsequent prosecution of the nonprovisional application, an Office action was received on September 30, 2002. The Office action cited a reference (U.S. Patent No. 6,449,646, the '646 patent) and rejected all the claims under 35 U.S.C. § 102(e) as anticipating the subject matter of all the claims. In response to the Office action, it is the intent of the Applicant to file an affidavit under 37 CFR § 1.131 (the '131 affidavit) attesting that invention was conceived and reduced to practice before the U.S. filing date of the '646 patent.

5. In preparation of the '131 affidavit, I was advised to contact all the inventors, in order to obtain their signatures on the '131 affidavit.

6. I was able to obtain the signatures of myself and Gary E. Korzeniowski on the '131 affidavit, as the other two inventors are no longer employed by Microlog Corporation.

7. I then attempted to contact Mr. Lewis and Mr. Peang-Meth.

8. I obtained Mr. Lewis' address from personnel records and Mr. Peang-Meth's address from personnel records and an Internet search.


9. I forwarded a copy of '131 affidavit to Mr. Lewis and Mr. Peang-Meth certified mail, return receipt requested, postage prepaid, with letters dated February 5, 2003 (Exhibits C and D), at Messrs. Lewis' and Peang-Meth's last known home addresses as set forth in the letter. Although signed return receipt postcards (Exhibits E and F) were returned by the U.S. Postal Service, no response from Mr. Lewis or Mr. Peang-Meth was received. The letters were not returned as undeliverable.

10. I then wrote an additional letter to Mr. Lewis on February 13, 2003 and called Mr. Peang-Meth on February 19, 2003, respectively, in an attempt to obtain their signature on the '131 affidavit. Both expressly refused to sign the '131 affidavit.

11. In view of the facts recited above, I believe that a diligent effort has been made to reach both Messrs. Lewis and Peang-Meth for the purpose of executing the affidavit needed for Serial No. 09/400,320, that both Messrs. Lewis and Peang-Meth refuse to sign the '131 affidavit, and that the '131 affidavit should be permitted to be entered into the record in the names of the remaining inventors, Messrs. Mears and Korzeniowski, who have executed the '131 affidavit.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


John C. Mears
President and CEO
Microlog Corporation

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Dated: 2/28/03